

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF THE COMPLAINT	)	
OF CROUNSE CORPORATION, A	)	Civil Action No. 06-1638
CORPORATION, FOR LIMITATION OF	)	
LIABILITY	)	Electronically Filed

ORDER APPROVING LETTER OF UNDERTAKING AND  
DIRECTING ISSUANCE OF NOTICE AND RESTRAINING SUITS

On Motion of Petitioner, Crounse Corporation, appearing through counsel, and upon its Motion for Approval of Letter of Undertaking and For An Order Directing Issuance of Notice and Restraining Suits pursuant to the provisions of Supplemental Rule F(4) and (3) of the Federal Rules of Civil Procedure:

IT IS ORDERED that the Letter of Undertaking is approved; however, such approval is without prejudice to the due appraisal of Petitioner's interest in the M/V BARBARA and Barges C-470, C-1022 and C-363, and their freight then pending, if so ordered, and in the meantime, any party may apply to have the amount of the Letter of Undertaking increased or decreased as the Court may direct.

IT IS FURTHER ORDERED that notice in the form attached to the Motion as Exhibit "A" be given to all persons asserting any claims with respect to the incident occurring at or around Mile 32 on the Ohio River on October 18, 2006 involving the M/V BARBARA and Barges C-470, C-1022 and C-363 at Montgomery Lock and Dam as more formally set forth in the Complaint filed with this Court. The Court further admonishes all such parties to file their respective claims with the Clerk of this Court on or before the 7th day of March, 2007, and directing that such persons claiming damages aforesaid who shall desire to contest the right of Petition to limitation of liability shall answer said Complaint and serve copies of both the claims and answers on Petitioner's attorneys, Goldstein and Price, L.C., and Gary T. Sacks, Esquire,

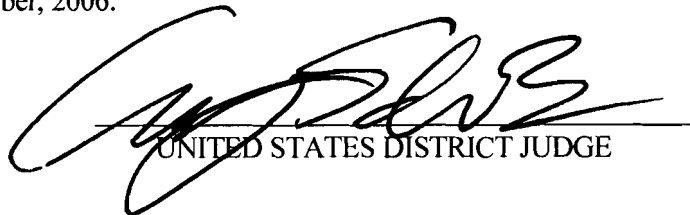
One Memorial Drive, Suite 1000, St. Louis, Missouri 53102, and Heintzman, Warren, Wise & Fornella, P.C., and Leonard Fornella, Esquire, 35th Floor, Gulf Tower, 707 Grant Street, Pittsburgh, Pennsylvania 15219; and it is.

FURTHER ORDERED that such notice be published in the Pittsburgh Post Gazette once a week for four (4) consecutive weeks prior to the date fixed hereinabove for the filing of claims; and that the Petitioner, not later than the day of the second publication, shall also mail a copy of said public notice to every person known to have made any claim against Petitioner or the M/V BARBARA or any of the said barges arising out of the aforesaid incident; and it is

FURTHER ORDERED that the institution and prosecution of any suits, actions or legal proceedings of any nature or description whatsoever in any court whatsoever, against the Petitioner or the M/V BARBARA or any of the said barges in respect of any claim arising out of or connected with the incident, except in this proceeding, be hereby stayed and restrained until the hearing and determination of this proceeding; and it is

FURTHER ORDERED that Petitioner or its designee serve a copy of this Order in the usual manner on the persons to be restrained, or their respective attorneys, or representatives.

DATED this 12<sup>th</sup> day of December, 2006.

  
UNITED STATES DISTRICT JUDGE